

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : **CRIMINAL NO. 1:08-CR-095**
 :
 v. : (Chief Judge Kane)
 :
 JOSEPH BREYMAIER, : (Magistrate Judge Smyser)
 :

REPORT AND RECOMMENDATION

The defendant appeared before me on this date and entered a plea of guilty to Count 17 of the Indictment. The court conducted a full colloquy with the defendant and has determined the following:

1. That the defendant is fully competent and capable of entering an informed plea;
2. That the defendant is aware of the nature of the charges and the consequences of the plea;
3. That the plea of guilty is a knowing and voluntary plea;
4. That the plea is supported by an independent basis in fact containing each of the essential elements of the offense.

On the basis of the foregoing, it is recommended that the court enter an Order adjudging the defendant guilty of the offense. By a separate Order, a presentence investigation was ordered with disclosure of the presentence report to the parties on or before January 20, 2009.

/s/ J. Andrew Smyser

J. Andrew Smyser
Magistrate Judge

Dated: November 25, 2008.